



IFW

Sutton/E-2574

In re application of
SHARON L. APICHELLA and
MARY D. SUTTON

Serial No.: 10/725,677

Filed: 12/02/2003

For: METHOD AND APPARATUSES FOR TEACHING A METACOGNITIVE
APPROACH TO WRITING

Examiner: Dolores R. Collins
Art Unit: 3711

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States postal service as first class postage-prepaid mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/6/08
Date

Frank J. Bonini, Jr.
Reg. No. 35,452

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper and during the pendency of this application to Account No. 05-0208.

11/6/08
Date

Frank J. Bonini, Jr.
Reg. No. 35,452

PETITION TO WITHDRAWAL HOLDING OF ABANDONMENT

This is in response to the Notice of Abandonment (copy enclosed) dated October 23, 2008.

The Notice of Abandonment states that the application is abandoned in view of Applicant's failure to timely file a proper reply to the Office Action of April 15, 2008, further stating that no reply has been received by the United States Patent and Trademark Office.

However, a response to the Office Action of April 15, 2008 was timely filed on October 15, 2008, together with a Request for an Extension of Time extending the time for responding to the Office Action to October 15, 2008.

Applicants enclose a copy of the postcard receipt that accompanied the response (Amendment) and "extension of time" request, which has been stamped with a USPTO Mailroom date stamp.

Further, Applicants note that the response (Amendment) mailed on October 15, 2008 was filed with a Certificate of Mailing in accordance with USPTO Rule 1.8, 37 C.F.R. § 1.8, which certifies that the response (Amendment) was timely mailed.

Further, as part of its response (Amendment) of October 15, 2008, Applicants submitted a check in the Amount of \$555.00 to cover the extension of time fee. Applicants enclose a copy of the cancelled check which has been cashed by the United States Patent and Trademark Office.

Applicants note that their response (Amendment) of October 15, 2008 and the extension request have been placed into the file of this application, as indicated by the enclosed copy of the "Image File Wrapper" listings from the Public Pair database.

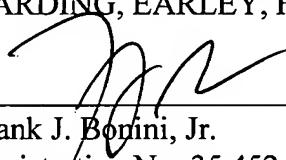
However, Applicants submit herewith a copy of the response (Amendment) mailed under a Certificate of Mailing under 37 C.F.R. § 1.8 on October 15, 2008 to the United States Patent and Trademark Office.

Applicants respectfully submit that the Notice of Abandonment was issued in error, and Applicants respectfully request that the holding of abandonment be withdrawn and that the

response (Amendment) of October 15, 2008 be acted upon on the merits.

It is not believed that any fee is due. However, if this is not the case, the Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY



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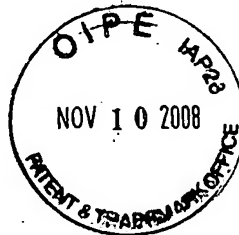
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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OCT 27 2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,677	12/02/2003	Sharon L. Apichella	SUTT-001	5056

7590 10/23/2008
Harding, Earley, et al
86 The Commons At Valley Forge East
1288 Valley Forge Rd., PO Box 750
Valley Forge, PA 19482-0750



EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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10/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment

Application No.

10/725,677

Examiner

Dolores R. Collins

Applicant(s)

APICHELLA ET AL.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 April 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Gene Kim/
Supervisory Patent Examiner, Art Unit 3711

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.